

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                     |   |              |
|-------------------------------------|---|--------------|
| MIGUEL RUSSI,<br><i>Petitioner,</i> | : |              |
|                                     | : |              |
|                                     | : |              |
| v.                                  | : | CIVIL ACTION |
|                                     | : | NO. 20-4580  |
|                                     | : |              |
| BARRY SMITH, <i>et al.</i> ,        | : |              |
| <i>Respondents.</i>                 | : |              |

**ORDER**

AND NOW, on this 12<sup>th</sup> day of January, 2022, upon careful and independent consideration of Miguel Russi's Petition for Writ of Habeas Corpus (ECF No. 1), the Response in Opposition thereto (ECF No. 7), and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey (ECF No. 10), Petitioner's Objections to said Report and Recommendation (ECF No. 11), Respondents' Response in Opposition to said Objections (ECF No. 15), and Petitioner's Reply in Further Support of his Objections (ECF No. 16), it is hereby ORDERED as follows:

1. Petitioner's Objections (ECF No. 11) are OVERRULED in their entirety.
2. The Report and Recommendation (ECF No. 10) is APPROVED and ADOPTED.
3. The Petition for Writ of Habeas Corpus (ECF No. 1) is DENIED WITH PREJUDICE and DISMISSED without an evidentiary hearing; and,
4. There is no probable cause to issue a Certificate of Appealability.

The Clerk of Court is directed to CLOSE this case for statistical and all purposes.

BY THE COURT:

/s/ C. Darnell Jones, II  
C. DARNELL JONES, II J.